BUSINESS AND COMMERCE CODE

TITLE 5. REGULATION OF BUSINESSES AND SERVICES

SUBTITLE C. BUSINESS OPERATIONS

CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN COMMERCIAL LODGING ESTABLISHMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 114.0001. DEFINITIONS. In this chapter:

(1) "Commercial lodging establishment" means a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

(2) "Human trafficking" means conduct that constitutes an offense under Section 20A.02, Penal Code.

(3) "Operator" means a person who owns, operates, manages, or controls a business entity.

Text of subdivision effective until January 01, 2025

(4) "Peace officer" means a peace officer described by Article 2.12, Code of Criminal Procedure, appointed or employed to serve as a peace officer for a law enforcement agency.

Text of subdivision effective on January 01, 2025

(4) "Peace officer" means a peace officer described by Article 2A.001, Code of Criminal Procedure, appointed or employed to serve as a peace officer for a law enforcement agency.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.008, eff. January 1, 2025.

Sec. 114.0002. RULES. The attorney general by rule shall:

(1) establish the requirements for operators of commercial lodging establishments to comply with the training required under Section 114.0051;

(2) create and make available to commercial lodging establishments a template for the sign required under Section

114.0053; and

(3) designate a telephone number for reporting a suspected act of human trafficking or a violation of this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0003. EFFECT ON MUNICIPAL ORDINANCES. (a) This chapter does not preempt a municipal ordinance, rule, or other regulation related to human trafficking awareness and prevention in commercial lodging establishments, including training and certification requirements.

(b) If a municipal ordinance described by Subsection (a) conflicts with a provision of this chapter, the more stringent regulation controls to the extent of the conflict.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a commercial lodging establishment shall require each employee who is directly employed by the establishment to complete an annual human trafficking awareness and prevention training program. The training program, including any supporting supplemental training material, must:

(1) be not less than 20 minutes in duration;

(2) be approved by the attorney general or appear on the list of preapproved training programs published by the attorney general;

(3) be completed by a new employee of the establishment not later than the 90th day after the date the employee is hired;

(4) provide a certificate of completion for an employee who completes the training; and

(5) include:

(A) an overview of human trafficking, including a description of:

(i) the experience of human trafficking victims;

(ii) how and why human trafficking takes place in the hospitality industry; and

(iii) how human trafficking is defined;

(B) guidance on how to identify individuals who are most at risk for human trafficking;

(C) information on the difference between labor and sex trafficking as that relates to identification of human trafficking in the hospitality industry;

(D) guidance on the role of an employee in reporting and responding to human trafficking; and

(E) the contact information of appropriate entities for reporting human trafficking, including:

(i) the National Human Trafficking Hotline toll-free telephone number and text line;

(ii) appropriate law enforcement agencies; and

(iii) a telephone number designated by the attorney general for reporting suspected human trafficking.

(b) The training required under this section may be offered in person or online. Online training must include a pacing mechanism that requires the employee to read all course materials, view all videos, complete all coursework, and certify that the employee has completed all coursework before issuing a certificate of completion.

(c) The attorney general shall publish on the attorney general's Internet website a list of preapproved training programs that satisfy the requirements for the human trafficking awareness and prevention training program required by this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0052. TRAINING COMPLIANCE; RECORD RETENTION. (a) The operator of a commercial lodging establishment shall maintain, in the form and manner prescribed by the attorney general, all documentation and certificates of completion for all current and

former employees of the establishment who have completed the human trafficking training required by Section 114.0051.

(b) The operator shall maintain sufficient records to show the operator's compliance with Section 114.0051 and shall provide the records to the attorney general, in the form and manner prescribed by the attorney general, not later than 72 hours after the attorney general requests the records.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0053. SIGN REQUIRED. The operator of a commercial lodging establishment shall display at the commercial lodging establishment a sign, in the form prescribed by the attorney general, that:

(1) includes a statement that employees of the commercial lodging establishment are required to receive annual human trafficking training and may not be disciplined, retaliated against, or otherwise discriminated against for making a good faith report of a suspected act of human trafficking;

(2) includes information on how to recognize and report human trafficking, including a list of indicators of human trafficking;

(3) includes a phone number designated by the attorney general for reporting a suspected act of human trafficking or a violation of this chapter;

(4) includes the contact information for reporting suspicious activity to the Department of Public Safety;

(5) is at least 11 inches by 17 inches in size and written in at least a 16-point font;

(6) is posted separately in English, Spanish, and any other primary language spoken by 10 percent or more of the establishment's employees; and

(7) is posted in a location that is easily visible to all employees.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED. The operator of a commercial lodging establishment may not discipline, retaliate against, or otherwise discriminate against an employee who in good faith reports a suspected act of human trafficking to the operator, a law enforcement agency, the National Human Trafficking Resource Center, the attorney general, or any other appropriate authority.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

SUBCHAPTER C. ENFORCEMENT

Sec. 114.0101. ENTRY BY PEACE OFFICER. A peace officer may enter the premises of a commercial lodging establishment between the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure compliance with this chapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney general has reason to believe an operator of a commercial lodging establishment has violated this chapter, the attorney general shall provide written notice to the operator that:

(1) describes the operator's violation;

(2) states that the commercial lodging establishment may be liable for a civil penalty if the operator does not cure the violation before the 30th day after the date the operator receives the notice; and

(3) includes the maximum potential civil penalty that may be imposed for the violation.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0103. CIVIL PENALTY. (a) If the operator of a commercial lodging establishment fails to cure a violation of this chapter before the 30th day after the date the operator receives notice of the violation under Section 114.0102, the establishment

is liable to this state for a civil penalty in an amount not to exceed $500 for each violation. Each day a violation continues is a separate violation for purposes of imposing the civil penalty.

(b) In determining the amount of a civil penalty to impose under this section, a court must consider:

(1) the seriousness of a violation;

(2) a history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts made to correct a violation; and

(5) any other matter that justice may require.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.

Sec. 114.0104. ACTION BY ATTORNEY GENERAL. (a) The attorney general may bring an action in the name of the state:

(1) to recover a civil penalty imposed under Section 114.0103; or

(2) for injunctive relief to require compliance with this chapter.

(b) An action under this section may be brought in a district court in:

(1) Travis County; or

(2) a county in which any part of the violation or threatened violation occurs.

(c) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including court costs, reasonable attorney's fees, and investigatory costs.

Added by Acts 2021, 87th Leg., R.S., Ch. 47 (H.B. 390), Sec. 1, eff. January 1, 2022.